

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KINNEY LEE FIELDS

v.

KEVIN KELLEY

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CIVIL ACTION NO. 3:23-CV-1565-S-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The District Court reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.


The Magistrate Judge recommended that the Court dismiss this case with prejudice “unless, within the time to file objections, Plaintiff Kinney Lee Fields satisfactorily shows a basis to amend the complaint to allege a plausible claim.” Findings, Conclusions, and Recommendation [ECF No. 7] 9. In the Objections to Recommendation to Dismiss (“Objections”) [ECF No. 8], Plaintiff requested leave to amend. Objs. 1. Plaintiff subsequently filed an Amended Complaint. *See* Compl. for Employment Discrimination [ECF No. 9]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), courts “should freely give leave [to amend] when justice so requires.” *See also, e.g., Brewster v. Dretke*, 587 F.3d 764, 767-68 (5th Cir. 2009) (“Generally, . . . a *pro se* litigant should be offered an opportunity to amend his complaint before it is dismissed.” (citation omitted)); *Rodriguez v. United States*, 66 F.3d 95, 97 (5th Cir. 1995) (“When the dismissal of a

pro se complaint is appropriate, it should generally be done without prejudice in order to allow the plaintiff an opportunity to file an amended complaint.” (citation omitted)).

For the reasons stated above, the Court **GRANTS** Plaintiff’s request for leave to file an amended complaint and deems Plaintiff’s Amended Complaint [ECF No. 9] properly filed.

SO ORDERED.

SIGNED September 26, 2023.



UNITED STATES DISTRICT JUDGE